

**REMARKS**

Claims 1-101 are pending. No claim has been allowed.

The amendments to the claims provided herein are made to further clarify the claimed invention. Claims 1, 3, 4, 5, and 9 are amended herein. Support for the amendments is found throughout the specification, *e.g.*, at page 36, lines 24-29 ( $10^8$  cells/ml); page 34, lines 20-23 (culture bag); and page 40, lines 10-13 (homogeneous population). Therefore, it is believed no new matter has been added. Claims 2, 6-7, 10, and 13-70 are canceled herein.

**Restriction Requirement Under 35 U.S.C. § 121**

The Office has requested a restriction to one of the following inventions under 35 U.S.C. § 121: Group I (claims 1-70), drawn to method of growing cells; Group II (claims 71, 72, 77, and 100-101), drawn to a composition; Group III (claims 73, 74, 76), drawn to a method of treating infectious disease; Group IV (claims 73-75, 79-91, 97-99), drawn to a method treating autoimmune disease; and Group V (claims 78, 92-96), drawn to a method of treating transplant rejection. Applicants hereby elect Group I (claims 1-70), without traverse.

The Office has requested a species election between IL-4, IL-12, or IFN- $\gamma$ . Applicants hereby elect IL-4.

The Office also requested a species election for one of the antibody combinations recited in claim 8. Applicants hereby elect the combination of anti-CD3 antibody and anti-CD28 antibody.

Finally, the Office requested a species election regarding the cellular phenotype of the cells, *i.e.*, CD4+ and CD8+ T cells. Applicants hereby elect CD4+ T cells.

The remaining requests for species elections do not pertain to the elected Group.

Each of the elected species reads on claims 1, 3-5, 8-9, and 12.

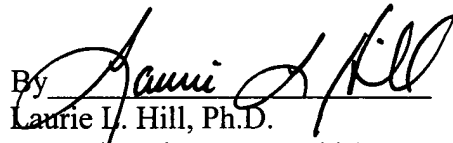
Applicants expressly reserve their right under 35 U.S.C. § 121 to file a divisional application directed to the nonelected subject matter during the pendency of this application, or an application claiming priority from this application.

Applicants request examination of the elected subject matter on the merits.

In the unlikely event that the transmittal form is separated from this document and the Patent Office determines that an extension and/or other relief is required, Applicant petitions for any required relief including extensions of time and authorize the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 03-1952** referencing 549172000113. However, the Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

Dated: November 3, 2003

Respectfully submitted,

By   
Laurie L. Hill, Ph.D.  
Registration No.: 51,804  
MORRISON & FOERSTER LLP  
3811 Valley Centre Drive, Suite 500  
San Diego, California 92130

(858) 720-7955